

AMENDED IN SENATE MAY 2, 2001

AMENDED IN SENATE APRIL 16, 2001

SENATE BILL

No. 1219

Introduced by Senators Romero and Kuehl

(Coauthors: Assembly Members Aroner, Diaz, Pavley,
Strom-Martin, and Washington)

March 19, 2001

An act to amend Section 1367.66 of the Health and Safety Code, and to amend Section 10123.18 of the Insurance Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1219, as amended, Romero. Health coverage: cervical cancer screening test.

Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and for the regulation of policies of disability insurance by the Insurance Commissioner. Under existing law, a health care service plan contract and a disability ~~insurer~~ *insurance policy* are required to provide coverage for an annual cervical cancer screening test. Existing law makes a willful violation of the provisions pertaining to health care service plans a crime.

This bill would require a health care service plan *contract* and a disability ~~insurer~~ *insurance policy* to ~~offer~~ *provide* coverage for an annual ~~liquid-based~~ cervical cancer screening test *as in accordance with deductible or copayment provisions contained in the plan contract or policy that includes all cervical cancer screening tests approved by the*

federal Food and Drug Administration *and based on current medical standards of care.*

Because this bill would change a requirement pertaining to the regulation of a health care service plan, the willful violation of which would be punishable as a criminal offense, it would expand the scope of an existing crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1367.66 of the Health and Safety Code
2 is amended to read:
3 1367.66. Every individual or group health care service plan
4 contract, except for a specialized health care service plan, that is
5 issued, amended, or renewed, on or after January 1, 1991, and that
6 includes coverage for treatment or surgery of cervical cancer shall
7 also be deemed to ~~offer~~ *provide* coverage for an annual ~~liquid~~
8 ~~based~~ cervical cancer screening test ~~as that includes all cervical~~
9 ~~cancer screening tests that have been~~ approved by the federal Food
10 and Drug Administration ~~at the request of the patient or~~ *and based*
11 *on current medical standards of care* upon the referral of the
12 patient's physician, a nurse practitioner, or certified nurse
13 midwife, providing care to the patient and operating within the
14 scope of practice otherwise permitted for the licensee.
15 Nothing in this section shall be construed to establish a new
16 mandated benefit *or to prevent application of deductible or*
17 *copayment provisions in an existing plan contract.* The Legislature
18 intends in this section to provide that cervical cancer screening
19 services are deemed to be covered if the ~~policy plan contract~~
20 includes coverage for cervical cancer treatment or surgery ~~and that~~
21 ~~these screening tests be provided at no additional cost to the~~
22 ~~patient.~~

SEC. 2. Section 10123.18 of the Insurance Code is amended to read:

10123.18. Every individual or group policy of disability insurance, regardless of the situs of the contract, that is issued, amended, or renewed, on or after January 1, 1991, and that includes coverage for treatment or surgery of cervical cancer shall also be deemed to ~~offer~~ *provide* coverage ~~at the request of the patient or~~ upon the referral of a patient's physician, a nurse practitioner, or a certified nurse midwife, providing care to the patient and operating within the scope of practice otherwise permitted for the licensee, for an annual ~~liquid-based~~ cervical cancer screening test ~~as that includes all cervical cancer screening tests~~ approved by the federal Food and Drug Administration ~~and based on current medical standards of care.~~

Nothing in this section shall be construed to require an individual or group policy to cover treatment or surgery for cervical cancer nor shall this section be construed to require that coverage under an individual or group policy be extended to any other procedures. ~~The Legislature intends in this section to provide that cervical cancer screening services are deemed to be covered if the individual or group policy includes coverage for cervical cancer treatment or surgery and that these screening tests be provided at no additional cost to the insured or person covered by the policy. cervical cancer or to prevent application of deductible or copayment provisions contained in the policy or plan, nor shall this section be construed to require that coverage under an individual or group policy be extended to any other procedures.~~

Nothing in this section shall be construed to apply to a policy of disability insurance that only covers a specified disease, specified accidents, or any accidents, if the disability insurer at the time of issuance of the policy and annually thereafter determines whether each insured or person covered by the policy also has coverage for an annual cervical cancer screening test from another disability insurer, a nonprofit hospital service plan, or a health care service plan, and provided that any insured or person covered by the policy who does not have other coverage for annual cervical cancer screening shall have that coverage ~~offered~~ *provided* under the policy.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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